

**United States District Court
Northern District of New York**

Civil Action No. 5:18-cv-00594

Date: May 30, 2023

Presiding Judge: HON. MAE A. D'AGOSTINO

☐ **Plaintiff**

☒ **Defendant**

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
D-1					Dr. Corey Grassl Confidential Psychological Report, dated Dec. 3, 2014
D-2					Early Education Program – Preschool Student Social History
D-3					Early Education Program – Confidential Evaluation Report, dated April 2015
D-4					CPSE Minutes of Meeting, dated April, 27, 2015
D-5					Individualized Education Program, dated April 27, 2015
D-6					Email from Phillip Cleary, dated Aug. 31, 2015, regarding “Almost School Time”
D-7					Annual Review Summary Report (3-Year-Old), dated March 2016
D-8					Speech/Language Report 2015 – 2016 by Wendy Tracy
D-9					Individualized Education Program, dated May 11, 2016
D-10					Annual Review Summary Report (4-Year-Old), dated March 2017 and Progress Reports for Goals and Objectives for 2016-2017

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Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
D-11					Individualized Education Program, dated March 31, 2017
D-12					Transcript of March 31, 2017 CPSE Meeting
D-13					Emails between Annette Speech, Dawn Wilczynski, Dawn Hussein, A. Fleming, dated April 6, 2017, regarding "Response to CPSE Meeting"
D-14					Email from A. Fleming, dated May 23, 2017 regarding "Changes to [G.F.]'s IEP"
D-15					Neuro-Developmental Evaluation by Dr. Danielle M. Bronk, dated June 2017
D-16					Email from Danielle Bronk, dated September 8, 2017, regarding "CPSE invite for [G.F.]"
D-17					Individualized Education Program, dated October 10, 2017
D-18					Individualized Education Program, dated November 1, 2017
D-19					Email from Eric Young to Dawn Hussein, dated November 20, 2017, regarding "Happy Monday"
D-20					Email from Eric Young to Dawn Hussein, dated November 21, 2017, regarding "Part 2"

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D-21					Individualized Education Program, dated December 4, 2017
D-22					Impartial Hearing Officer's Decision, dated January 31, 2018
D-23					Individualized Education Program, dated March 20, 2018
D-24					Emails between Annette Speech and the Flemings dated March, 31 2017; April 6, 2017; and April 7, 2017
D-25					AAPSA Confidential Applied Behavioral Analysis Treatment Plan Progress Report, dated January 5, 2015
D-26					AAPSA Confidential Applied Behavioral Analysis Treatment Plan Progress Report, dated December 14, 2015
D-27					AAPSA Confidential Applied Behavioral Analysis Treatment Plan Progress Report, dated June 10, 2016
D-28					AAPSA Confidential Applied Behavioral Analysis Treatment Plan Progress Report, dated December 5, 2016
D-29					AAPSA G.F. Progress Report

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D-30					Letter from Angela Saturno, undated, to Educator
D-31					AAPSA Confidential Applied Behavioral Analysis Treatment Plan Progress Reports, dated June 5, 2017 and November 9, 2017
D-32					AAPSA Confidential Applied Behavioral Analysis Treatment Plan Progress Reports, dated June 1, 2018
D-33					AAPSA Session Notes prepared by Amanda Wise, dated September 11, 2018 to December 21, 2018
D-34					AAPSA Session Notes – BCBA/LBA, dated June 19, 2018 to July 23, 2019
D-35					Transcript of June 12, 2018 CPSE Meeting
D-36					Transcript of Danielle Bronk, Ph.D. Testimony at Impartial Hearing, dated January 2, 2018
D-37					OCM BOCES Automated Substitute Call-In Service from December 18, 2017
D-38					New York State Education Department Guidance on Individualized Education Programs
D-39					Email from Dawn Hussein to Annette Speech, dated April 4, 2017

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D-40					Prior Written Notice: Proposed Amendment to IEP, dated May 19, 2017
D-41					Consent for IEP Amendment, dated May 19, 2017 and IEP dated May 31, 2017
D-42					Request for Impartial Hearing, dated September 22, 2017
D-43					Email from K. Howard to Dawn Hussein, dated October 5, 2017
D-44					Request for Impartial Hearing, dated October 20, 2017
D-45					Letter from J. Fellows to J. Walsh re: IEP draft, dated November 2, 2017
D-46					Emails between J. Fellows and J. Walsh, dated December 2017
D-47					AAPSA Contract, dated May 30, 2018
D-48					CPSE Meeting Notice, dated June 1, 2018; CPSE Meeting Minutes dated June 12, 2018; Prior Written Notice, dated June 12, 2018
D-49					Intake Form, dated May 10, 2017
D-50					Hearing Transcript, dated December 12, 2017, January 2, 2018, January 3, 2018, and January 26, 2018

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D-51					Early Intervention Core Evaluation Report, dated August 5, 2014
D-52					Request for Referral to CSPE for Evaluation, dated November 5, 2014
D-53					ADHD/Autism Psychological Services & Advocacy Psychological Evaluation
D-54					Children's Therapy Network, Early Intervention Developmental Progress Report
D-55					Parent Referral to CPSE, dated January 20, 2015
D-56					Hear2Learn Bureau of Special Children Services, Early Intervention Developmental Progress Report, dated January 14, 2015, revised January 28, 2015
D-57					Sprout Therapy Group Early Intervention Program Transition from Early Intervention to CPSE, dated February 4, 2015
D-58					Parental Consent for Initial Evaluation, dated March 2, 2015
D-59					Parental Consent for Multidisciplinary Evaluation for Preschool Students, dated March 2, 2015
D-60					Evaluation Schedule, dated March 4, 2015

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D-61					Service Coordination Notes, dated March 4, 2015
D-62					Psychological/Speech and Language/OT/PT Evaluation
D-63					NSCSD Early Education Program, Preschool Documentation for Extended School Year Service, dated March 2016
D-64					Request for Time Enrolled in Regular Early Childhood Program
D-65					CPSE Meeting Notice, dated April 7, 2016
D-66					CPSE Meeting Minutes, dated May 11, 2016
D-67					Parental Consent for Extended School Year Services, dated May 11, 2016
D-68					Notice to Parents & Board of Education Review, dated June 6, 2016
D-69					Student Record Request by Parents, dated March 3, 2017 & March 4, 2017
D-70					CPSE Meeting Minutes, dated March 31, 2017
D-71					Emails from Eric Young to Dawn Hussein, dated May 2017

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D-72					Alternative Communication System Agreement Between Parents and SPICE
D-73					Emails between CPSE Chair and Parents, dated September 2017
D-74					CPSE Meeting Minutes, dated October 10, 2017
D-75					Parents Amended Impartial Hearing Request, dated October 20, 2017
D-76					NSCSD Response to Amended Impartial Hearing Request, dated October 30, 2017
D-77					Correspondence with Parent's Counsel, dated November 2, 2017
D-78					Correspondence with Parent's Counsel, dated November 13, 2017
D-79					Related Services Log, Santa, dated September 2015 – February 2017
D-80					Occupational Therapy Progress Report Notes, Erin Lynn, dated September 2015 – February 2017
D-81					Related Services Log, Speech, Wendy Tracy, dated September 2015- February 2017
D-82					Speech Therapy Session Notes by Wendy Tracy, dated October 2015 to February 2017

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D-83					Parents Second Amended Impartial Hearing Request, dated November 16, 2017
D-84					NSCSD's Response to Second Amended Impartial Hearing Request, dated November 30, 2017
D-85					Correspondence with Parent's Counsel Regarding Parental Consent for Additional Counseling, dated December 2017
D-86					CPSE Meeting Attendance List from March 31, 2017
D-87					Letter to Parent re: Teacher's Medical Leave, dated January 27, 2017
D-88					Supplement to Teacher List for Philip Cleary 2016 – 2017 School Year
D-89					P. Cleary Attendance Record from March 24, 2017 – April 7, 2017
D-90					Teaching Certification, Mary Jane Abt-Fagan
D-91					Teaching Certification, Christine Gaetano
D-92					Teaching Certification, Mary E. Lappin
D-93					Related Services Log: OT, Erin Lynn from September 2015 to June 2017

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D-94					OT Progress Report Notes, Erin Lynn from September 2015 – June 2017
D-95					Counseling Monthly Progress Notes, Santa from September 2015 – June 2017
D-96					Speech Therapy Session Notes by Wendy Tracy from September 2015 to June 2017
D-97					Plaintiff's Post Hearing Brief
D-98					A. Saturno Deposition Transcript, December 12, 2019 and January 15, 2020
D-99					A. Stevens Deposition Transcript, December 16, 2019
D-100					V. Deflorio Deposition Transcript, December 16, 2019
D-101					K. Wheeler Deposition Transcript, December 17, 2019 and August 21, 2020
D-102					A. Foster Deposition Transcript, December 18, 2019
D-103					R. Fleming Deposition Transcript, October 29, 2020
D-104					H. Bessette Deposition Transcript, December 16, 2019
D-105					A. Wise Deposition Transcript, July 2, 2019

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D-106					S. Sheinkopf CV
D-107					Report of S. Sheinkopf dated August 26, 2020
D-108					Prior Written Notice, Proposed Amendment to IEP, dated November 1, 2017
D-109					Prior Written Notice, Proposed Continuation for Special Education, dated October 10, 2017
D-110					Prior Written Notice, Proposed Amendment to IEP, dated May 22, 2017
D-111					Board of Education Review, dated April 24, 2017
D-112					Prior Written Notice, Proposed Amendment, dated March 15, 2017
D-113					Prior Written Notice, dated May 11, 2016
D-114					CPSE Meeting Notice, dated April 17, 2015
D-115					Confidential Applied Behavioral Analysis Treatment Plan, dated January 13, 2015
D-116					Supplemental Occupational Therapy Evaluation Report, Ann Washeleski
D-117					NSCSD Progress Report for Goals and Objectives 2015 – 2016

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D-118					Thrive by Five Bureau of Special Children Services Early Intervention Developmental Progress Report/IFSP Review, dated January 14, 2015
D-119					Email from A. Fleming to Hussein, dated October 25, 2017
D-120					Email from G. Fleming to Hussein, dated October 19, 2017
D-121					Email from A. Fleming to Hussein, dated October 19, 2017
D-122					Emails between K. Williams, A. Fleming & Bronk, dated September 13, 2017, June 6, 2017 & March 10, 2017
D-123					NSCSD Preschool Documentation for Extended School Year Services March 2016
D-124					IEP Worksheet, dated January 12, 2015
D-125					Emails between W. Tracy & A. Fleming, dated January 13, 2016 to September 13, 2017
D-126					Emails between E. Young and F. Fleming, dated October 2017
D-127					Emails between A. Fleming & A. Speech, dated March – April 2017

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D-128					ABA Invoices
D-129					Beginning Articulation/Oral Motor Sheet
D-130					ESY Eligibility Form, dated March 2016
D-131					Plaintiff's Request for Impartial Hearing, dated December 20, 2017
D-132					ADHD and Autism Psychological Services Invoices (2017)
D-133					ADHD and Autism Psychological Services Invoices (2017, Part II)
D-134					IEP Worksheet, dated December 11, 2015
D-135					IEP Completed Items, dated December 11, 2015
D-136					Assessment of Basic Language and Learning Skills 2015
D-137					Email from A. Fleming to Hussein, dated May 2017
D-138					Email from A. Fleming to Hussein, dated April 2017
D-139					Emails between W. Tracy and A. Fleming, dated September 2016

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D-140					Letter from Jill Merrow Speech Pathologist at Upstate, dated December 11, 2017
D-141					Speech Progress Notes, Williams from 2016 to 2017
D-142					Affidavit of J. Merrow, dated January 19, 2018
D-143					Dr. Lopez-Williams' Deposition Transcript
D-144					Dr. Schonwald's Deposition Transcript
D-145					Revised 2017 – 2018 IEP
D-146					NSCSD Invoices, Receipts and Email Communications between A. Speech, D. Kasouf, J. Fellows, A. Campbell, and J. Walsh, dated April 2018
D-147					NSCSD Invoices & Email correspondence between J. Fellows, D. Keegan, A. Speech, dated March 2018
D-148					NYS Department of Education STAC and Special Aids Unit, Notice of Commissioner's Approval for Reimbursement from September 2015 to August 2018

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D-149					Kelberman Center Inc. 2019 – 2020 Invoices, NSCSD Purchase Order 2019, Correspondence between M. Tucker, P. Mertens, J. Hoke (2020)
D-150					NSCSD Purchase Order dated June 14, 2018, Settlement Agreement and Release dated June 1, 2018, Email Correspondence between K. Reid and D. Keegan from June 2018, Email Correspondence between D. Kasouf and R. White from May 11, 2018
D-151					NSCSD Purchase Order from June 14, 2018, ADHD & Autism Psychological Services Invoices from June 1, 2018 & June 11, 2018, Fee Agreement dated May 30, 2018
D-152					ADHD & Autism Psychological Service Bills from June 2018 to July 2019, NSCSD Purchase Orders 2018-2019
D-153					ADHD & Autism Psychological Service Bills from July 2019-August 2019 and NSCSD Purchase Orders 2019, Email Correspondence between M. Gomez and P. Mertens from September 10, 2019
D-154					G. F. Claims 2019 – 2020 (Kelberman Center Inc.)

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D-155					Functional Behavioral Assessment (FBA) February 13, 2018
D-156					Individualized Education Plan from June 15, 2018
D-157					Procedural Safeguards Notice
D-158					Behavior Strategies to Use Now
D-159					Email from Phil Cleary to April Fleming dated July 21, 2015 ("Re: Tomorrow")
D-160					Email from Philip Cleary to April Fleming dated Nov. 9, 2016 ("Re: Gavin")
D-161					Email from April Fleming to Phil Cleary dated November 11, 2016 ("Gavin")
D-162					Email from April Fleming to Erin Lynn, from January 1, 2017 ("Re: Gavin's Listening Program")

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PLEASE TAKE NOTICE that Defendant reserves the right to supplement this Exhibit List as necessary and as required, up to the date of trial.

Dated: May 23, 2023

BOND, SCHOENECK & KING, PLLC

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